

REMARKS

Applicant has reviewed and considered the Office Action dated May 3, 2001. In response thereto, claims 8 and 21 are amended. As a result, claims 8, 20, and 21 are pending in the present application, reconsideration of the present application is respectfully requested.

Claims 8, 20, and 21 are rejected under 35 U.S.C. 102(b) as set forth in the Office Action dated May 3, 2001.

Claim 8 recites a plant pot including a pot body, the pot body having side walls and a bottom wall, and at least one leg, the at least one leg having side walls and a bottom wall. The first end of the at least one leg connected to the bottom wall of the pot body, and at least one hole disposed on the bottom wall of the leg, so that a fluid conduit enabling fluid communication to and from the pot body and exiting from the proximate to the second end of the leg. " the fluid absorbing material can not drop out from the second end of the at least one leg." has been canceled. However agree or not, or however claim or not, it is the fact that the fluid absorbing material can not drop out from the second end of the at least one leg. It had been shown in figures in original application.

Carlson illustrates a planter having a pot body and a false bottom, the pot body having side wall and bottom wall, a leg build into said false bottom, the false bottom with the leg standing inside of the pot body, or say standing on the pot bottom. In the present invention, the legged pot having a pot body, the pot body having side walls and a bottom wall, at least one leg build into the bottom wall of the pot body, no false bottom appeared in the present invention. Clearly, the present invention is different compare with the

Carlson's planter. If say looks like, the Carlson's planter looks more likes Eliza Hall's "improved flower pot or similar vessel"(No: 22,647, United Kingdon 1912)

Moskowitz disclose: "..... a pedestal 22 having three legs 24 arrayed in the sharp of a Y. The legs 24 of the pedestal are hollow and thereby provid an interconnected chamber connecting with the hollow pot for dirt and plant roots to grow therein."(column 2, lines 44-48). Moskowitz also claim: "..... a hollow pedestal retaining at least a portion of the plant roots within the base section said pedestal being in the shape of a Y." (column 3, lines 66-67 to column 4, line 1-2). Obviously, the structure and function of pedestal that Moskowitz claimed and disclosed are different compare with the leg of the present invention. The function of the pedestal that Moskowitz disclose and claim is to let roots to grow therein. Clearly, the roots still will be damaged by water because " a hollow pedestal retaining at least a portion of the plant roots within the base section " (Moskowitz claimed so). Actually, Moskowitz still does not solve the overwatering problem that he wants to. That is because the "at least a portion of the plant roots" still stay in the water level in the pedestal in the tray. In present invention, plant roots can rarely grow down to the bottom of the leg; even so, in a co-pending application (S/N 09/599,103), Applicant still try to block roots grow down to the lower level of the leg (or say water level in tray) to avoid the roots damaged by water in the tray.

In the French patent (patent number:649568), the leg having a supportor 17 supportes a board, the pot sites on the board, a hole disposed in the center of the board, the up portion of the leg through the board hole then insert into a center bottom hole of the pot. Clearly, the structure of the French pot apparatus is different compare with the present invention.

Therefore, Applicant respectfully submits that claim 8 patentably distinguishes

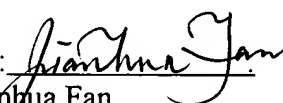
over Carson, Moskowitz, and French. Claims 20 and 21, which are dependent from claim 8, are also patentable.

In view of the above, it is respectfully submitted that the present application is in a condition for allowance. Reconsideration of the application and a favorable response are respectfully requested.

If a telephone conference would be helpful in resolving any remaining issues, please contact the undersigned at (615)356-3211.

Respectfully submitted,

5800 MAUDINA AVE.
APT. C-2
NASHVILLE, TN 37209
Phone(fax)615-356-3211

By: 
Jianhua Fan
Applicant
Date: August 31, 2001

To Mr. Franklin Pan,

Response to the letter faxed to DHS on 07/25/01

According to the record in your application 58/790, the Office Action dated 05/03/01 is the final action. There is no indication in the record that it is FINAL.

Stephen M. Hoy
Principal Examiner

* Applicant read "... it is FINAL."